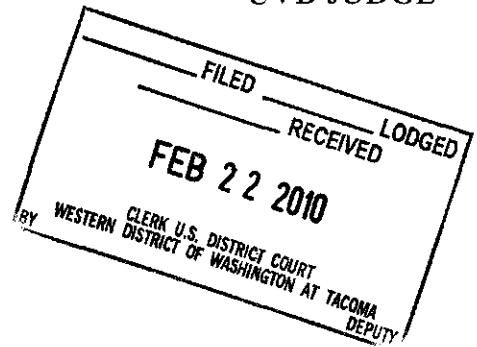


CVB JUDGE



09-CR-05774-ORD



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR 09-5774
)	
Plaintiff,)	FINDINGS AND ORDER ACCEPTING
)	DEFENDANT FOR DEFERRED
vs.)	PROSECUTION, APPROVING
)	TREATMENT PLAN, AND DIRECTING
GORDON C. FORSYTH,)	DEFENDANT TO TAKE TREATMENT
)	AS PRESCRIBED
Defendant/Petitioner.)	
)	(Clerk's Action Required)

THIS MATTER, coming on for hearing this 22nd day of February, 2010, at 9:00 a.m. upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by Jay Stansell standing in for his attorney, Michael Filipovic, and the United States of America being represented by Captain Justin Lonergan, Special Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Lifeline Connections, and the files and records herein, being fully advised in the premises, does now make and enter the following:

1
2 **I. FINDINGS OF FACT**

3 A. On or about November 5, 2009, Petitioner was charged with the offenses
4 charged in the Information. These offenses occurred as a direct result of
5 alcoholism/chemical dependency problems;

6 B. Petitioner suffers from an alcohol/drug problem and is in need of
7 treatment;

8 C. The probability of similar misconduct in the future is great if the problem
9 is not treated;

10 D. Petitioner is amenable to treatment;

11 E. An effective rehabilitative treatment plan is available to Petitioner through
12 Lifeline Connections, an approved treatment facility as designated by the laws of the
13 State of Washington, and Petitioner agrees to be liable for all costs of this treatment
14 program;

15 F. That Petitioner agrees to comply with the terms and conditions of the
16 program offered by the treatment facility as set forth in the diagnostic evaluation from
17 Lifeline Connections, attached to Statement of Petitioner filed herewith, and that
18 Petitioner agrees to be liable for all future costs of this treatment program;

19 G. That Petitioner has knowingly and voluntarily stipulated to the
20 admissibility and sufficiency of the facts as contained in the written police report
21 attached to Statement of Petitioner filed herewith.

22 H. That Petitioner has acknowledged the admissibility of the stipulated facts
23 in any criminal hearing or trial on the underlying offense or offenses held subsequent to
24 revocation of this Order Granting Deferred Prosecution and that these reports will be
25 used to support a finding of guilt;

26 From the foregoing FINDINGS OF FACT, the Court draws the following:

1 during the second year. The Court may increase the frequency of these reports at its
2 discretion;

3 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
4 change.

5 E. Petitioner shall abstain during the deferred prosecution period from any
6 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

7 F. Petitioner shall not operate a motor vehicle on the public highways without
8 a valid operator's license and proof of liability insurance sufficient to comply with the
9 state laws on financial responsibility;

10 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
11 related offenses or other criminal offenses during the period of deferral,

12 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
13 questioned, or cited by Law Enforcement.;

14 I. In the event that Petitioner fails or neglects to carry out and fulfill any term
15 or condition of his treatment plan or violates any provision of this Order or any rule or
16 regulation of his probation officer, upon receiving notice, the Court shall hold a hearing
17 to determine why Petitioner should not be removed from deferred prosecution and
18 prosecuted for the offense/offenses charged;

19 J. In the event the Court finds cause to revoke this deferred prosecution, the
20 stipulated police reports shall be admitted into evidence, and Petitioner shall have his
21 guilt or innocence determined by the Court;

22 K. That the statement of Petitioner for Deferred Prosecution shall remain
23 sealed, and all subsequent reports or documents relating to his treatment information
24 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

25 L. That the Department of Licensing be notified of this Order accepting the
26 Petitioner for deferred prosecution;

1 M. Upon proof of Petitioner's successful completion of five years deferral
2 period in this Order, the Court shall dismiss the charges pending against Petitioner.

3 N. Additional conditions: _____
4 _____
5 _____

6
7
8
9 DONE IN OPEN COURT this 22nd day of February, 2010.

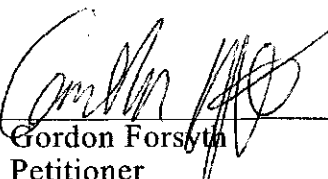
10
11 
12 UNITED STATES MAGISTRATE JUDGE

13 Presented by:

14 
15
16 Michael Filipovic
Attorney for Petitioner

17 I have received a copy of the foregoing Order of Deferred Prosecution. I have
18 read and understand its contents, and agree to abide by the terms and conditions set forth
19 herein.

20 Dated: 2/22/10

21 
Gordon Forsyth
Petitioner

22
23 I certify that a copy of this signed Order was mailed to the subject treatment
24 facility, on February 22, 2010. The United States Probation Office was also
25 furnished a copy of this Order.

26 
Clerk